

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 49 OF 2014

Kundan Patil	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Ms. Riba Vasudevan i/b. Ms. Neeta Karnik
for the petitioner.

Mr. P. P. Kakade-AGP for State.

**CORAM :- DR. MANJULA CHELLUR, C.J. &
N.M.JAMDAR, J.**

DATE :- JULY 13, 2017

P.C. :-

1. The learned counsel appearing for the petitioner submits that the petitioner has not contacted the counsel for giving any further instructions after filing the Public Interest Litigation. We have perused the order-sheets right from 2014. At the request of the petitioner's counsel, the matter was adjourned from time to time and till date, the petitioner has not evinced any interest to pursue the matter. Even otherwise, on perusal of the record, it is seen that the petitioner has some grievance against some of the officers working in Public Works Department and he expresses grievance with regard to transfer of one A. P. Bhanushali to

Maritime Engineering, Public Works Circle and transfer of one P.N. Patkar to National Highway Sub Division, Mumbra. The entire petition refers to the grievance of the petitioner that some officers are transferred from one Department to another, whereas, some officers are retained on the same post for last so many years.

2. It is well settled law that unless it is a writ of quo-warranto, there cannot be a Public Interest Litigation so far as the service matters are concerned. The petitioner can always bring to the notice of the highest authorities of the Department the grievance expressed in the petition. Even otherwise, we fail to understand as to why the petitioner, as a social worker, is bothered about the transfer of some persons to other Department and retention of some persons in the same Department. This would only show that there is some ulterior agenda behind the scene or there may be some personal interest of the petitioner or he may be before this court supported by someone else behind the scene.

3. Since the matter relates to service issue, we are of the opinion that the Public Interest Litigation is not maintainable and it is dismissed.

(N. M. JAMDAR, J.)

(CHIEF JUSTICE)